

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 16-58202
	:	
Iddings Trucking, Inc.,	:	Chapter 11
	:	
Debtor.	:	Judge Preston

**MOTION OF THE DEBTOR FOR AN ORDER (1) SCHEDULING EXPEDITED
HEARINGS ON CERTAIN FIRST DAY MOTIONS AND (2) APPROVING THE FORM
AND MANNER OF NOTICE OF THE EXPEDITED HEARING**

Now comes Iddings Trucking, Inc., the Debtor and Debtor in Possession (the “Debtor”), moves the Court (the “Motion”) pursuant to Local Bankruptcy Rule 9073-1 for an Order (1) scheduling expedited hearings to consider certain first day motions filed by the Debtor; and (2) approving the form and manner of notice of the expedited hearing.

The Debtor submits that this Motion does not present any novel issues of law requiring briefing. Therefore, the Debtor requests that the Court waive the requirement pursuant to LBR 9013-1(a) for a memorandum in support of this Motion.

In support of this Motion the Debtor states as follows:

I. JURISDICTION

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§ 157 and 1334. Venue of this proceedings is proper under 28 U.S.C. §§1408 and 1409. This matter is a core proceeding as defined in 28 U.S.C. § 157(b)(2).

2. The basis for the relief requested herein is 11 U.S.C. § 105(a) and Local Rule 9073-1.

II. BACKGROUND INFORMATION

3. On December 30, 2016 (the “Petition Date”), the Debtor commenced this case by

filing a voluntary petition under Chapter 11 of the Bankruptcy Code.

4. The Debtor is in the business of commercial trucking. Its principal place of business is located at 741 Blue Knob Road, Marietta, Ohio 45750. The Debtor has been in business for more than 50 years as it was founded in 1966. The Debtor currently employs approximately 32 individuals.

5. Pursuant to 11 U.S.C. §§ 1107(a) and 1108, the Debtor is operating its business and managing its affairs as debtor in possession. As of the date of this Motion, no creditors committee, trustee or examiner has been appointed in this case.

6. The Debtor filed this Chapter 11 proceeding in order to reorganize its financial affairs, preserve the going concern value of its assets, and provide a substantive and procedural mechanism for the realization of that value, so as to maximize the value of its assets for the benefit of all parties in interest.

III. RELIEF REQUESTED

i. Description of First Day Motions for which an expedited hearing is requested and reason an expedited hearing is required.

Contemporaneously with the commencement of this case, the Debtor filed the motions set forth in the table below (collectively, the “First Day Motions”). The Debtor seeks an expedited hearing in relation to the First Day Motions.

Name of Motion	Description and Reason for Hearing Request
Emergency Motion of Debtor (1) to Authorize Use of Cash Collateral, (2) to Provide Adequate Protection to Secured Creditors and (3) to Enter into Secured Post-Petition Financing with Crestmark Bank and Request for Expedited Hearing (Doc. 9)	The Debtor seeks authority to use its cash collateral, to provide adequate protection to Crestmark Bank and to continue financing with Crestmark Bank. An immediate hearing on this motion is essential because the inability of Debtor to use cash collateral will result in irreparable harm to Debtor’s ongoing business operations.

Motion of the Debtor for an Order Authorizing the Debtor to Pay Certain Prepetition Wages, Salaries, Expenses, and Other Compensation (Doc. 10)	The Debtor seeks authority to pay certain prepetition obligations of the Debtor related to employee compensation and benefits. An expedited hearing on this motion is essential because the inability of the Debtor to pay ongoing wages will result in irreparable harm to the Debtor's ongoing business operations.
Motion of the Debtor for an Order Authorizing the Debtor to Pay Certain Prepetition Claims of Critical Vendors (Doc. 11)	The Debtor seeks authority to pay certain prepetition obligations owed to "Critical Vendors," the cooperation and continued support of which the Debtor has deemed essential to its ongoing operations. An expedited hearing on this motion is essential because failure to immediately pay these Critical Vendors would result in the loss of services essential to the Debtor's ongoing operations.

ii. **Parties Affected by the Motion:** All creditors and parties in interest may be affected by the First Day Motions for which an expedited hearing has been requested. Critical vendors and employees will also have their claims affected through the Debtor's First Day Motions.

4. **Method of Notice to Interested Parties:** The Debtor proposes to serve notice of the First Day Motions and the expedited hearing on the First Day Motions via ECF, facsimile, electronic service, telephone, or overnight delivery, postage prepaid (the "First Day Notice"). Those parties to be served are:

- a. the Office of the United States Trustee;
- b. holders of the 20 largest unsecured claims;
- c. any and all secured creditors; and
- d. any party requesting notice in this case.

Because the list of other parties potentially affected by the First Day Motions is necessarily large, including all employees and potential critical vendors, serving notice on all

such parties is impracticable and a wasteful use of the Debtor's limited resources. The Debtor believes that the representation of the 20 largest unsecured creditors is sufficient in that instance.

The Debtor further requests that the service of the First Day Notice be deemed adequate and appropriate under the circumstances and in full compliance with applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Rules of this Court. In addition, as set forth in the proposed First Day Notice, the Debtor will make all First Day Motions available upon e-mail request to John W. Kennedy at jwk@columbuslawyer.net.

5. **Proposed Scheduling of the Expedited Hearing:** The Debtor proposes that the expedited hearing be held at the convenience of the Court on Wednesday, January 4, 2017.

6. **Proposed Order and Notice:** As required by the provisions of Local Bankruptcy Rule 9073-1, a proposed Notice of the Expedited Hearing and a proposed Order Scheduling the Expedited Hearing are attached as Exhibits A and B, respectively.

For the reasons expressed in this Motion, cause exists for the Court to schedule the expedited hearing as requested.

Respectfully submitted,

/s/ John W. Kennedy
Myron N. Terlecky (0018628)
John W. Kennedy (0042672)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, Ohio 43215-5759
Telephone: (614) 228-6345
Facsimile: (614) 228-6369
Email: mnt@columbuslawyer.net
Attorneys for Iddings Truckng, Inc.,
Debtor and Debtor-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing MOTION OF THE DEBTOR FOR AN ORDER (1) SCHEDULING EXPEDITED HEARINGS ON CERTAIN FIRST DAY MOTIONS AND (2) APPROVING THE FORM AND MANNER OF NOTICE OF THE EXPEDITED HEARING was served (i) **electronically** on the date of filing through the court's ECF system on all ECF participants registered in the case at the email addresses registered with the court, and (ii) by **ordinary U.S. Mail** on December 30, 2016 addressed to the Debtor, the Office of the United States Trustee, the twenty largest unsecured creditors, all secured creditors and those other parties set forth on the attached mailing matrix.

/s/ John W. Kennedy
John W. Kennedy (0042672)

IDDINGS TRUCKING INC
741 BLUE KNOB RD
MARIETTA OH 45750

OFFICE OF THE U S TRUSTEE
170 N HIGH ST #200
COLUMBUS OH 43215

ENG
2441 WARRENSVILLE RD #310
LISLE IL 60532

BEERY & SPURLOCK CO LPA
ATTN MIKE SPURLOCK
275 EAST STATE ST
COLUMBUS OH 43215

RON CAIN
4525 LIGHTNER RIDGE RD
STOCKPORT OH 43787

BROWER INSURANCE AGENCY LLC
P O BOX 37
DAYTON OH 45401

OHIO DEPARTMENT OF TAXATION
ATTN BANKRUPTCY DIVISION
P O BOX 530
COLUMBUS OH 43266-0030

PARAGON TANK TRAILER SALES
400 E WISCONSIN ST #300
MILWAUKEE WI 53202

WESTFIELD BANK FSB
P O BOX 551
MEDINA OH 44258

L AND T
3420 SCIOTANGY RD
COLUMBUS OH 43221

OHIO BUREAU OF WORKERS'
COMPENSATION
LAW SECTION BANKRUPTCY UNIT
P O BOX 15567
COLUMBUS OH 43215-0567

OHIO DEPT OF JOB &
FAMILY SERVICES
OFFICE OF LEGAL SERVICES
30 E BROAD ST 31ST FLOOR
COLUMBUS OH 43218-2404

UNITED HEALTHCARE
185 ASYLUM ST
BURLINGTON CT 06013-3408

MLW
7864 SPRINGS MILLS DR
CANAL WINCHESTER OH 43110

AGCS MARINE INSURANCE CO
P O BOX 0522
CAROL STREAM IL 60132

UNIFIRST CORPORATION
3 PROGRESS WAY
CLARKSBURG WV 26301

HILL IDEALEASE LLC
P O BOX 218
MARTINS FERRY OH 43935

TOM BROWN
43890 VERNON HUGHES RD
CALDWELL OH 43724

VISA
P O BOX 15153
WILMINGTON DE 19886

MILLER'S AM/PM LLC
2889 ST RTE 821
MARIETTA OH 45750

BRENDA WALDRON
1874 MASONIC OAK RD
MARIETTA OH 45750

LINCOLN FINANCIAL GROUP
P O BOX 7247-0439
PHILADELPHIA PA 19170

ALICO EQUIPMENT FINANCE
W222 N833 CHEANEY DR
WAUKESHA WI 53186

ASCENTUM CAPITAL LLC
23970 HWY 59 N
KINGWOOD TX 77339

ATTORNEY GENERAL
REVENUE RECOVERY
SECTION/BANKRUPTCY
150 E GAY ST 21ST FLOOR
COLUMBUS OH 43215

CELTIC CAPITAL
23622 CALABASAS RD #323
CALABASAS CA 91302

CRESTMARK BANK
5480 CORPORATE DR
TROY MI 48098

CIT BANK
10201 CENTURION PKWY #100
JACKSONVILLE FL 32256

CITIZENS BANK
501 FIFTH ST
BEVERLY OH 45715

DE LAGE LANDEN FINANCIAL
SERVICES INC
P O BOX 41602
PHILADELPHIA PA 19101

FIRST NEIGHBORHOOD BANK
4416 EMERSON AVE
PARKERSBURG WV 26104

HIGHWAY COMMERCIAL SERVICES
1250 WALCUTT RD
COLUMBUS OH 43228

HUNTINGTON NATIONAL BANK
P O BOX 182834
COLUMBUS OH 43218

INTERNAL REVENUE SERVICE
CENTRALIZED INSOLVENCY
OPERATIONS
P O BOX 7346
PHILADELPHIA PA 19101-7346

M2 LEASE FUNDS LLC
175 N PATRICK BLVD #140
BROOKFIELD WI 53045

OHIO ATTORNEY GENERAL
COLLECTIONS ENFORCEMENT SECTION
150 E GAY ST 21ST FLOOR
COLUMBUS OH 43215-3191

PEOPLE'S UNITED GLOBAL
FINANCIAL SERVICES
P O BOX 317887
BRATTLEBORO VT 05302

SALLY J WALTERS
4250 ST RTE 26
MARIETTA OH 45750

SETTLERS BANK
115 3RD ST
MARIETTA OH 45750

SIEMENS FINANCIAL SERVICES
301 LINWOOD DR #215
MALVERN PA 19355

THOMAS E COUGHLIN
27777 FRANKLIN RD #2500
SOUTHFIELD MI 48034

TRANS LEASE INC
P O BOX 172686
DENVER CO 80217

U S ATTORNEY
303 MARCONI BLVD #200
COLUMBUS OH 43215-2326

U S ATTORNEY GENERAL
MAIN JUSTICE BLDG RM 5111
10TH & CONSTITUTION AVE N W
WASHINGTON DC 20530-0001

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 16-58202
	:	
Iddings Trucking, Inc.,	:	Chapter 11
	:	
Debtor.	:	Judge Preston

**NOTICE OF EXPEDITED HEARING ON CERTAIN
FIRST DAY MOTIONS OF THE DEBTOR**

Iddings Trucking, Inc., the Debtor and Debtor in Possession (the “Debtor”), filed a Motion for an Order pursuant to Local Bankruptcy Rule 9073-1 scheduling an expedited hearing on the following Motions (the “First Day Motions Motions”):

1. *Emergency Motion of Debtor (1) to Authorize Use of Cash Collateral, (2) to Provide Adequate Protection to Secured Creditors, and (3) to Enter into Secured Post-Petition Financing with Crestmark Bank and Request for Expedited Hearing* (Doc. 9);
2. *Motion of the Debtor for an Order (1) Authorizing the Debtor to Pay Certain Prepetition Wages, Salaries, Expenses, and Other Compensation* (Doc. 10); and
3. *Motion of the Debtor for an Order Authorizing the Debtor to Pay Certain Prepetition Claims of Critical Vendors* (Doc. 11).

The Debtors’ Motion for Expedited Hearing was filed on December __, 2016 (“Motion for Expedited Hearing”) (Doc. __).

The Court entered an Order on December __, 2016 (Doc. __), granting the Motion for Expedited Hearing.

Accordingly, notice is given that the Court will conduct a hearing on the First Day Motions on **(date)** at **(time)** in Courtroom ____, Fifth Floor, United States Bankruptcy Court, 170 North High Street, Columbus, OH 43215. Any creditor or party in interest who wishes to have its position considered regarding the First Day Motions must appear at the scheduled expedited hearing.

Respectfully submitted,

/s/ John W. Kennedy
Myron N. Terlecky (0018628)
John W. Kennedy (0042672)
Strip, Hoppers, Leithart, McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, Ohio 43215-5759
Telephone: (614) 228-6345
Facsimile: (614) 228-6369
Email: mnt@columbuslawyer.net
Attorneys for Iddings Truckng, Inc.,
Debtor and Debtor-in-Possession

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing NOTICE OF EXPEDITED HEARING ON CERTAIN FIRST DAY MOTIONS OF THE DEBTOR was served (i) **electronically** on the date of filing through the court's ECF system on all ECF participants registered in the case at the email addresses registered with the court, and (ii) by **ordinary U.S. Mail** on _____, 2016 addressed to the Debtor, the Office of the United States Trustee, the twenty largest unsecured creditors, all secured creditors and those other parties set forth on the attached mailing matrix.

/s/ John W. Kennedy
John W. Kennedy (0042672)

EXHIBIT B

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

In re:	:	Case No. 16-58202
	:	
Iddings Trucking, Inc.,	:	Chapter 11
	:	
Debtor.	:	Judge Preston

**ORDER SCHEDULING AN EXPEDITED HEARING ON CERTAIN
FIRST DAY MOTIONS OF THE DEBTOR**

(RELATED TO MOTION FOR EXPEDITED HEARING DOC. ____)

This matter comes before the Court upon the *Motion of the Debtor for an Order (1) Scheduling Expedited Hearings on Certain First Day Motions and (2) Approving the Firm and Manner of Notice of the Expedited Hearing* (the “Expedited Hearing Motion”) (Doc. ____), filed on December __, 2016, by Iddings Trucking, Inc., the Debtor and Debtor in Possession (the “Debtor”). Through the Motion and pursuant to Local Bankruptcy Rule 9073-1, the Debtor seeks an order scheduling an expedited hearing on the following motions (the “First Day Motions”):

1. *Emergency Motion of Debtor (1) to Authorize Use of Cash Collateral, (2) to Provide Adequate Protection to Crestmark Bank, and (3) to Enter into Secured Post-Petition Financing with Crestmark Bank and Request for Expedited Hearing* (Doc. 9);
2. *Motion of the Debtor for an Order (1) Authorizing the Debtor to Pay Certain Prepetition Wages, Salaries, Expenses, and Other Compensation* (Doc. 10); and
3. *Motion of the Debtor for an Order Authorizing the Debtor to Pay Certain Prepetition Claims of Critical Vendors* (Doc. 11).

The Court has considered the information in the Debtor's First Day Motions and finds that it is appropriate to grant the Motion for Expedited Hearing.

It is therefore ORDERED and DECREED that the Debtor's Motion for Expedited Hearing shall be, and it hereby is, granted; and it is further

ORDERED and DECREED that the Court will conduct an expedited hearing on the first Day Motions. The expedited hearing will be held on _____ in Courtroom ____, 5th Floor, United States Bankruptcy Court, 170 North High Street, Columbus, OH 43215. Parties wishing to have their views heard on the First Day Motions must attend the expedited hearing; and it is further

ORDERED and DECREED that the notice attached to the Motion for Expedited Hearing as Exhibit A (the "First Day Notice"), is approved in all respects and is in full compliance with LBR 9013-1; and it is further

ORDERED and DECREED that service of the First Day Notice (substantially in the form attached to the Motion for Expedited Hearing as Exhibit A) via e-mail, overnight delivery or other express mail service as soon as practicable after the entry of this Order on the parties set forth in the Motion is deemed to be sufficient and adequate notice under the circumstances and in

full compliance with the applicable provisions of the Bankruptcy Code, the Bankruptcy Rules and the Local Bankruptcy Rules; and it is further

ORDERED and DECREED that the Debtor shall file a copy of the First Day Notice and Certificate of Service with the Court showing the date of the service of the First Day Notice. Such service shall be completed no later than 6:00 p.m., December ____, 2016.

IT IS SO ORDERED.

SUBMITTED BY:

/s/ John W. Kennedy
Myron N. Terlecky (0018628)
John W. Kennedy (0042672)
Strip Hoppers Leithart McGrath & Terlecky Co., LPA
575 South Third Street
Columbus, OH 43215
(614) 228-6345
Fax: (614) 228-6369
Attorneys for Iddings Trucking, Inc.
Debtor and Debtor in Possession

Copies to Default List.

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